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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ESTATE OF TASHI S. FARMER a/k/a
TASHII FARMER a/k/a TASHII BROWN, by
and through its Special Administrator, Lorin
Michelle Taylor; TAMARA BAYLEE
KUUMEALI' MAKAMAE FARMER
DUARTE, a minor, individually and as
Successor-in-Interest, by and through her legal
guardian, Stevandra Lk Kuanoni; ELIAS BAY
KAIMIPONO DUARTE, a minor, individually
and as Successor-in-Interest, by and through his
legal guardian, Stevandra Lk Kuanoni,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the
State of Nevada; OFFICER KENNETH
LOPERA, individually and in his Official
Capacity; SERGEANT TRAVIS CRUMRINE,
individually and in his Official Capacity;
OFFICER MICHAEL TRAN, individually and
in his Official Capacity; OFFICER MICHAEL
FLORES, individually and in his Official
Capacity; and Does 1 through 50, inclusive,

Defendants.

Case No.: 2:17-cv-01946-JCM-PAL

DECLARATION OF DARREN D.
DARWISH IN SUPPORT OF PLAINTIFFS'
REPLY TO DEFENDANT OFFICER
KENNETH LOPERA'S OPPOSITION TO
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT

DECLARATION OF DARREN D. DARWISH

I, Darren Darwish, declare as follows:

I am an attorney admitted to practice in the State of California and admitted Pro Hac Vice in this matter. I am an associate in the law firm of Abir Cohen Treyzon Salo, LLP, attorneys of record for Plaintiffs. The following facts and circumstances are personally known to me or based upon information and belief, and if called as a witness, I could and would competently testify thereto:

1. Attached hereto as Exhibit “A” is a true and correct copy of the Tactical Review Board’s Report dated August 24, 2017 and sent to Sheriff Joseph Lombardo. LVMPD produced the TRB Report as part of its disclosures in discovery. Counsel for all parties have discussed this exhibit and its authenticity is not in dispute.

2. Attached hereto as Exhibit “B” is a true and correct copy of the relevant portions of Defendant Las Vegas Metropolitan Police Department’s (“LVMPD”) Use of Force Policy and Procedure. LVMPD produced its Use of Force Policy and Procedure as part of its disclosures in discovery. Counsel for all parties have discussed this exhibit and its authenticity is not in dispute.

3. Attached hereto as Exhibit “C” are true and correct copies of relevant portions of the deposition of Assistant Sheriff Tim Kelly, taken on October 25, 2018.

4. Attached hereto as Exhibit “D” are true and correct copies of relevant portions of the deposition of Chief John McGrath, taken on December 27, 2017.

5. Attached hereto as Exhibit “E” are true and correct copies of relevant portions of the deposition of Defendant Sergeant Travis Crumrine, taken on December 27, 2017.

6. Attached hereto as Exhibit “F” are true and correct copies of relevant portions of the deposition of Defendant Officer Michael Tran, taken on December 20, 2017.

7. Attached hereto as Exhibit “G” are true and correct copies of relevant portions of the deposition of Jonathan Pierce, taken on April 26, 2018.

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8. Attached hereto as Exhibit “H” is a true and correct copy of Merriam-Webster’s definition of the term “unreasonable” taken from its website: <https://www.merriam-webster.com/dictionary/unreasonable>. I accessed www.merriam-webster.com on January 23, 2019 and looked up the definition for the term “unreasonable.” After finding the definition, I then saved and printed out the accessed webpage.

9. Attached hereto as Exhibit “I” are true and correct copies of relevant portions of the deposition of Alane Olson, M.D., taken on September 12, 2018.

10. Attached hereto as Exhibit “J” is a true and correct copy of an incident timeline created by Las Vegas Metropolitan Police Department, which was referred to as Exhibit A to the Declaration of Craig R. Anderson, Esq. in support of Motion for Summary Judgment (Doc 92-3).

11. Attached hereto as Exhibit “K” are true and correct copies of relevant portions of the deposition of Sergeant Michael Bland, taken on December 21, 2017.

12. Attached hereto as Exhibit “L” are true and correct copies of relevant portions of the deposition of Defendant Officer Michael Flores, taken on February 8, 2018.

13. Attached hereto as Exhibit “M” is a true and correct copy of the Clark County Coroner’s Autopsy Report. LVMPD produced this document as part of its disclosures in discovery. Counsel for all parties have discussed this exhibit and its authenticity is not in dispute. This exhibit was authenticated by Dr. Alane Olson at the time of her deposition.

14. Attached hereto as Exhibit “N” is a true and correct copy of LVMPD Discipline for Excessive Force Involving Neck Area. LVMPD produced this document as part of its disclosures in discovery. Counsel for all parties have discussed this exhibit and its authenticity is not in dispute.

15. Attached hereto as Exhibit “O” is a true and correct copy of LVMPD’s Announcement regarding Updates to Use of Force Policy. LVMPD produced this document as part of its disclosures in discovery. Counsel for all parties have discussed this exhibit and its authenticity is not in dispute.

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21. Attached hereto as Exhibit “U” is a true and correct copy of the relevant portions of LVMPD’s Use of Force Policy and Procedure regarding Electronic Control Devices (ECD). LVMPD produced its Use of Force Policy and Procedure as part of its disclosures in discovery. Counsel for all parties have discussed this exhibit and its authenticity is not in dispute.

Executed on March 4, 2019 in Los Angeles, California.

Darren D. Darwish, Esq.